

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**INTEROFFICE MEMORANDUM**

TO: Chief Clerk DATE: October 1, 2009

THRU: Iliana Delgado, Team Leader  
Water Rights Permitting Team

FROM: Esteban (Steve) Ramos, Project Manager  
Water Rights Permitting Team

SUBJECT: City of College Station  
Docket # 2006-1831-WR  
WRPERM 5913  
CN600732598, RN105158448, RN105158455, RN105158463  
Application No. 5913 for a Water Use Permit  
TWC §11.042, Requiring Limited Mailed Notice  
Carters Creek and Lick Creek, Brazos River Basin  
Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties

The Executive Director received an application from City of College Station seeking a Water Use Permit pursuant to Texas Water Code §11.042 and Texas Commission on Environmental Quality Rules 30 TAC §§295.1, *et seq.*

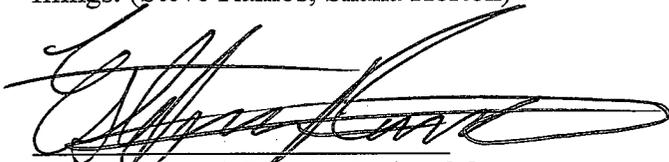
The application was received on August 5, 2005. The application was declared administratively complete on December 20, 2006 and filed with the Office of the Chief Clerk on February 9, 2007. Notice of the application was issued on March 20, 2007, and mailed to the 51 downstream water right holders in the Brazos River Basin. Several requests for a public hearing were received.

Because this application was declared administratively complete after September 1, 1999, the rules in Chapter 55, Subchapter G, Section 55.250 - 55.256 apply. The Chief Clerk shall mail notice to the applicant, executive director, public interest counsel, and timely hearing requestors not later than 35 days prior to the agenda setting. Applicants, the public interest counsel, and the executive director shall file a response no later than 23 days before agenda, and the hearing requestors shall reply no later than nine days before agenda.

The application is now technically complete and the staff has recommended that the application be granted based on the analysis in the technical review memos.

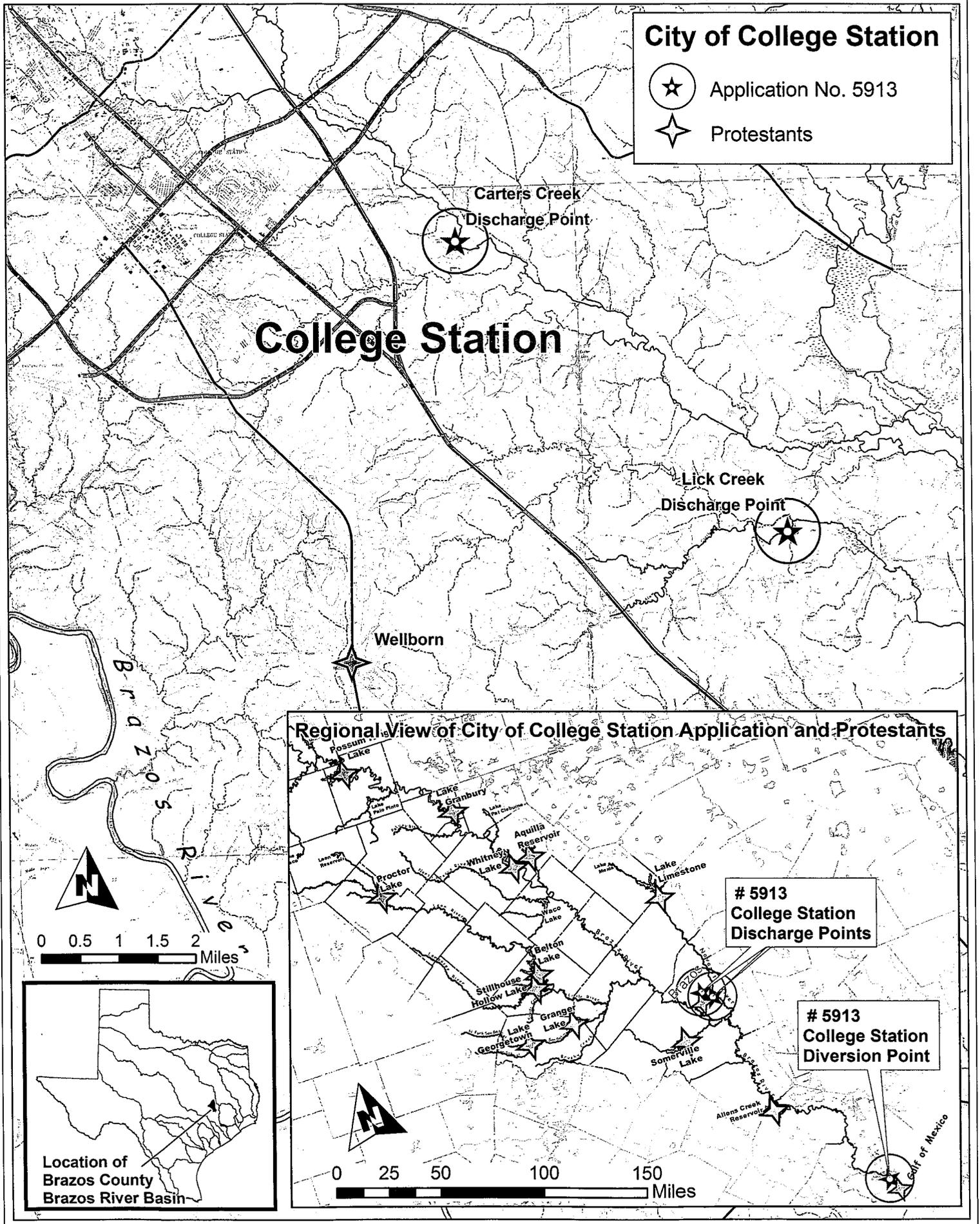
Below is the caption for this application:

Consideration of the City of College Station application for authorization to use the bed and banks of several watercourses to transport the current and future groundwater-based return flows discharged from two points downstream and to subsequently divert and reuse up to 12,881 acre-feet (less losses) of those return flows per year for municipal, industrial, and agricultural purposes in whole or in part of Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties within the Brazos River Basin. Carter Creek discharges into Carters Creek, for subsequent conveyance down the Navasota River, tributary of the Brazos River, Brazos River Basin, approximately 6.9 miles southeast of the Brazos County courthouse, and is 295 river miles upstream of the diversion point. Lick Creek discharges into Lick Creek for subsequent conveyance down the Navasota River, tributary of the Brazos River, Brazos River Basin, approximately 12.6 miles southeast of the Brazos County courthouse, and is 286 river miles upstream of the diversion point. The commission will consider hearing requests and any related filings. (Steve Ramos, Shana Horton)



Esteban (Steve) Ramos, Project Manager  
Water Rights Permitting Team

cc: Lann Bookout, TCEQ  
Kellye Rila, TCEQ  
Iliana Delgado, TCEQ  
Chris Loft, TCEQ  
Gregg Easley, TCEQ  
Kristin Wang, TCEQ  
Shana Horton, TCEQ  
Kathy Alexander, TCEQ



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF WATER RIGHTS APPLICATION APPLICATION NO. 5913

The City of College Station has applied for authorization to use the bed and banks of several watercourses to transport current and future groundwater-based return flows and to divert and reuse those flows for municipal, industrial, and agricultural purposes in all or part of Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties within the Brazos River Basin. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** The City of College Station, applicant, P.O. Box 9960, College Station, TX 77842-0960, seeks a permit pursuant to Texas Water Code §11.042 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §§295.1, *et seq.* Notice is being mailed to the 51 downstream water right holders and diverters of record in the Brazos River Basin pursuant to 30 TAC §95.161.

The applicant seeks authorization to use the bed and banks of several watercourses to transport the current and future groundwater-based return flows discharged from two points downstream and to subsequently divert and reuse up to 12,881 acre-feet of those return flows for municipal, industrial, and agricultural purposes in whole or part of Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties within the Brazos River Basin. The loss rate and travel time will vary, but the applicant indicates a maximum carriage loss of 9.4% and an average estimated travel time from the discharge points to the proposed diversion point of 8.24 days. Deliveries of water will be made to the diversion point throughout the year on a daily basis.

The applicant indicates a maximum diversion rate of 17.29 cfs (7,758 gpm) from the Brazos River, Brazos River Basin at a point approximately 4.7 miles from the Brazoria County courthouse being at Latitude 28.9467°N, Longitude 95.3801°W, also bearing S23.4439°E, 3,760 feet from the Northwest corner of the John G. McNeel League, Abstract 335, Brazoria County.

The proposed discharge points in Brazos County and the requested watercourses to be used for the bed and banks authorization are as follows:

1. Carters Creek Discharge Point – discharges into Carters Creek, tributary of the Navasota River for subsequent conveyance down the Brazos River, Brazos River Basin, approximately 6.9 miles southeast of the Brazos County courthouse being at Latitude 30.6151°N, Longitude 96.2766°W and bearing S85.9894°W, 6,568.2 feet from the east corner of the Morgan Rector League, Abstract 46. The applicant indicates the outfall is 295 river miles upstream of the diversion point.
2. Lick Creek Discharge Point – discharges into Lick Creek for subsequent conveyance down the Navasota River, tributary of the Brazos River, Brazos River Basin, approximately 12.6 miles southeast of the Brazos County courthouse being at Latitude 30.5589°N, Longitude 96.2062°W and bearing S25.1311°W, 6,585.1 feet from the northeast corner of the S.W. Robertson League, Abstract 202. The applicant indicates the outfall is 286 river miles upstream of the diversion point.

TPDES Permit No. 10024006 currently authorizes the discharge of 10,641 acre-feet of water per year (9.5 mgd), and TPDES Permit No. 10024003 currently authorizes the discharge of 2,240 acre-feet of water per year (2.0 mgd) for a total annual authorized discharge equaling 12,881 acre-feet.

If this application is granted, unlawful diversion and taking of such water in transit may result in administrative penalties, criminal penalties, or the applicant may elect to pursue private civil remedies as provided by law.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application and partial fees were received on August 5, 2005. Additional information and fees were received on April 14, 2006; July 7, 2006; and August 22, 2006. The Executive Director returned the application and fees for failure to supply requested information on September 21, 2006. On October 16, 2006 Applicant filed a Motion to Overturn. The Applicant's motion was considered and granted by the Commission on December 13, 2006. The application is considered administratively complete as of December 20, 2006. This application is being filed with the Office of the Chief Clerk on February 9, 2007.

**PUBLIC COMMENT / PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by April 23, 2007. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by April 23, 2007. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by April 23, 2007.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040.

Issued: March 20, 2007

WATER USE PERMIT

PERMIT NO. 5913

TYPE §11.042

Permittee:	City of College Station	Address:	P.O. Box 9960 College Station, TX 77842-0960
Filed:	February 12, 2007	Granted:	
Purpose:	Municipal, Industrial, and Agricultural	County:	Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria
Watercourse:	Carters Creek and Lick Creek, Tributaries of the Navasota River, Tributary of the Brazos River	Watershed:	Brazos River Basin

WHEREAS, the applicant seeks authorization to use the bed and banks of several watercourses to transport the current and future groundwater-based return flows discharged from two discharge points downstream and to subsequently divert and reuse up to 12,881 acre-feet (less losses) of those return flows per year for municipal, industrial, and agricultural purposes in whole or in part of Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties within the Brazos River Basin; and

WHEREAS, Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10024006 (Carters Creek Wastewater Treatment Plant) currently authorizes the discharge of 10,641 acre-feet of water per year (9.5 mgd), and TPDES Permit No. 10024003 (Lick Creek Wastewater Treatment Plant) currently authorizes the discharge of 2,240 acre-feet of water per year (2.0 mgd) for a total annual authorized discharge equaling 12,881 acre-feet; and

WHEREAS, the proposed two discharge points in Brazos County and the requested watercourses to be used for the bed and banks authorization are as follows:

Carters Creek Discharge Point – discharges into Carters Creek, for subsequent conveyance down the Navasota River, tributary of the Brazos River, Brazos River Basin, approximately 6.9 miles southeast of the Brazos County courthouse being at Latitude 30.6151°N, Longitude 96.2766°W and bearing S85.9894°W, 6,568.2 feet from the east corner of the Morgan Rector League, Abstract 46. The applicant indicates the outfall is 295 river miles upstream of the diversion point, and

Lick Creek Discharge Point – discharges into Lick Creek for subsequent conveyance down the Navasota River, tributary of the Brazos River, Brazos River Basin, approximately 12.6 miles southeast of the Brazos County courthouse being at Latitude 30.5589°N, Longitude 96.2062°W and bearing S25.1311°W, 6,585.1 feet from the northeast corner of the S.W. Robertson League, Abstract 202. The applicant indicates the outfall is 286 river miles upstream of the diversion point; and

WHEREAS, the applicant seeks to divert at a maximum diversion rate of 17.29 cfs (7,758 gpm) from the Brazos River, Brazos River Basin at a point approximately 4.7 miles from the Brazoria County courthouse being at Latitude 28.9467°N, Longitude 95.3801°W, also bearing S23.4439°E, 3,760 feet from the northwest corner of the John G. McNeel League, Abstract 335, Brazoria County; and

WHEREAS, the loss rate and travel time will vary, but the applicant indicates an approximate carriage loss of 9.4% and an average estimated travel time from the discharge points to the proposed diversion point of 8.24 days. Deliveries of water will be made to the diversion point throughout the year on a daily basis; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, the Executive Director recommends special conditions be included in the permit; and

WHEREAS, the applicant has provided and the Executive Director has approved, the *City of College Station Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application 5913*; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this Water Use Permit No. 5913 is issued to The City of College Station, subject to the following terms and conditions:

1. USE

Permittee is authorized to use the bed and banks of Carters Creek, Lick Creek, the Navasota River, and the Brazos River in the Brazos River Basin to convey current and future groundwater-based return flows for subsequent diversion and use of up to 12,881 acre-feet (less losses) of those return flows per year for municipal, industrial, and agricultural purposes in whole or in part of Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties within the Brazos River Basin.

2. DISCHARGE

The TPDES permits authorize the Permittee to discharge groundwater-based return flows at each of the following locations:

- A. Carters Creek Discharge Point – discharges up to 10,641 acre-feet of water per year (9.5 mgd) pursuant to TPDES Permit No. 10024006 into Carters Creek for subsequent conveyance down the Navasota River, thence to the Brazos River, Brazos River Basin, approximately 6.9 miles southeast of the Brazos County courthouse

being at Latitude 30.6151°N, Longitude 96.2766°W and bearing S85.9894°W, 6,568.2 feet from the east corner of the Morgan Rector League, Abstract 46. The applicant indicates the outfall is 295 river miles upstream of the diversion point.

- B. Lick Creek Discharge Point – discharges up to 2,240 acre-feet of water per year (2.0 mgd) pursuant to TPDES Permit No. 10024003 into Lick Creek for subsequent conveyance down the Navasota River, thence to the Brazos River, Brazos River Basin, approximately 12.6 miles southeast of the Brazos County courthouse being at Latitude 30.5589°N, Longitude 96.2062°W and bearing S25.1311°W, 6,585.1 feet from the northeast corner of the S.W. Robertson League, Abstract 202. The applicant indicates the outfall is 286 river miles upstream of the diversion point.

### 3. DIVERSION

Permittee is authorized to divert water at a point a maximum diversion rate of 17.29 cfs (7,758 gpm) from the Brazos River, Brazos River Basin at a point approximately 4.7 miles from the Brazoria County courthouse being at Latitude 28.9467°N, Longitude 95.3801°W, also bearing S23.4439°E, 3,760 feet from the Northwest corner of the John G. McNeel League, Abstract 335, Brazoria County.

### 4. TIME PRIORITY

The groundwater-based return flows authorized to be conveyed via the bed and banks of a State watercourse in this permit do not have a priority date and are not subject to priority calls from senior water rights.

### 5. SPECIAL CONDITIONS

- A. Permittee shall install a screen with a mesh size of 0.25 inches or smaller on the diversion structure with a maximum through screen velocity of 0.5 feet per second in order to minimize entrainment and impingement of aquatic organisms.
- B. A change in the location of the diversion point shall require an amendment to the permit and additional special conditions could be required.
- C. The City of College Station shall only divert and use groundwater-based return flows pursuant to Paragraph 1. USE and Paragraph 3. DIVERSION in accordance with the most recently approved *City of College Station Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application 5913*. The City shall maintain the plan in electronic format and make the data available to the Executive Director and the public upon request. Any modifications to *City of College Station Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application 5913* shall be approved by the Executive Director. Any modification to the accounting plan that changes the permit terms must be in the form of an amendment to the permit. Should the City fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, the City shall immediately cease diversion pursuant to Paragraph 3. DIVERSION, and either apply

to amend the permit, or voluntarily forfeit the permit. If the City fails to amend the accounting plan or forfeit the permit, the TCEQ may begin proceedings to cancel the permit. The Commission shall be notified immediately by the City upon modification of the accounting plan and provided with copies of the appropriate documents effectuating such changes.

- D. Permittee shall only divert the actual daily amount groundwater-based return flows discharged from the two treatment plants less the estimated losses after accounting for travel times between the discharge and diversion points.
- E. Prior to diversion of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. 10024006 and 10024003, described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to reuse those return flows. Permittee shall amend the accounting plan to include future discharges of groundwater-based return flows prior to diverting said return flows.
- F. The diversions authorized by this permit are dependant upon potentially interruptible return flows or discharges and are conditioned on the availability of those discharges. The right to divert the discharged return flows is subject to revocation if discharges become permanently unavailable for diversion and may be subject to reduction if the return flows are not available in quantities and qualities sufficient to fully satisfy the permit. Should the discharges become permanently unavailable for diversion, Permittee shall immediately cease diversion under this permit and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee does not amend or forfeit the permit, the TCEQ may begin proceedings to cancel this permit. Permittee shall only divert its return flows that are actually discharged and if there is a permanent reduction in available return flows, Permittee shall immediately seek an amendment to the permit to reflect the reductions.
- G. Permittee is not authorized to divert water released by the Brazos River Authority out of storage in reservoirs upstream of Permittee's diversion point for use by the Authority or its customers downstream of Permittee's diversion point. Permittee may demonstrate compliance with this special condition by establishing that it has diverted its groundwater based return flows in accordance with its approved accounting plan.

This permit is issued subject to all superior water rights in the Brazos River Basin.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

\_\_\_\_\_  
For the Commission

Date issued:

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

To: Steve Ramos, Application Manager  
Water Rights Permitting Team  
December 19, 2008

Through:  Lann Bookout, Team Leader  
Surface Water Availability & Interstate Compacts Team

From: Kathy Alexander, Hydrologist  
Surface Water Availability & Interstate Compacts Team

Subject: City of College Station  
WRPERM 5913  
CN600732598  
Carters Creek and Lick Creek, Brazos River Basin  
Bosque County

### WATER AVAILABILITY ANALYSIS ADDENDUM

The original Water Availability Analysis was completed on July 21, 2008, and the draft permit was sent to the applicant and protestants on July 24, 2008. Since that time, the City of College Station submitted an accounting plan. Staff reviewed the accounting plan and found it adequate. Any final draft permit should include the following in lieu of the current Special Condition 5.C.:

The City of College Station shall only divert and use groundwater based return flows pursuant to Paragraph 1. USE and Paragraph 3. DIVERSION in accordance with the most recently approved *City of College Station Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application 5913*. The City shall maintain the plan in electronic format and make the data available to the Executive Director and the public upon request. Any modifications to *City of College Station Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application 5913* shall be approved by the Executive Director. Any modification to the accounting plan that changes the permit terms must be in the form of an amendment to the permit. Should the City fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, the City shall immediately cease diversion pursuant to Paragraph 3. DIVERSION, and either apply to amend the permit, or voluntarily forfeit the permit. If the City fails to amend the accounting plan or forfeit the permit, the TCEQ may begin proceedings to cancel the permit. The Commission shall be notified immediately by the City upon modification of the accounting plan and provided with copies of the appropriate documents effectuating such changes.

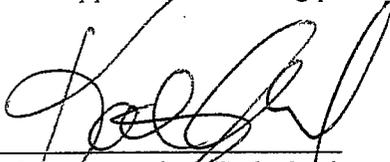
After reviewing the application and the applicant's response to the draft permit, staff recommends revisions to Special Conditions 5.F and 5.G.:

In lieu of Special Condition 5.F.:

The diversions authorized by this permit are dependant upon potentially interruptible return flows or discharges and are conditioned on the availability of those discharges. The right to divert the discharged return flows is subject to revocation if discharges become permanently unavailable for diversion and may be subject to reduction if the return flows are not available in quantities and qualities sufficient to fully satisfy the permit. Should the discharges become permanently unavailable for diversion, Permittee shall immediately cease diversion under this permit and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee does not amend or forfeit the permit, the TCEQ may begin proceedings to cancel this permit. Permittee shall only divert its return flows that are actually discharged and if there is a permanent reduction in available return flows, Permittee shall immediately seek an amendment to the permit to reflect the reductions.

In lieu of Special Condition 5.G.:

Permittee is not authorized to divert water released by the Brazos River Authority out of storage in reservoirs upstream of Permittee's diversion point for use by the Authority or its customers downstream of Permittee's diversion point. Permittee may demonstrate compliance with this special condition by establishing that it has diverted its groundwater based return flows in accordance with its approved accounting plan.



Kathy Alexander, Hydrologist

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Iliana Delgado, Application Manager      **Date:** April 17, 2007  
Water Rights Team  
Water Rights Permitting & Availability Section

**Through:** Bill Billingsley, Team Leader      BB 4/17/07  
Resource Protection Team  
Water Rights Permitting & Availability Section

**From:** Wendy Gordon, Ph.D., Aquatic Scientist  
Resource Protection Team  
Water Rights Permitting & Availability Section

**Subject:** City of College Station  
WRPERM 5913  
CN600732598  
Carters Creek and Lick Creek, tributaries of the Navasota River, Navasota River, and Brazos River, Brazos River Basin  
Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties

The City of College Station has applied for an authorization to use the bed and banks of Carters Creek and Lick Creek, tributaries of the Navasota River, the Navasota River, and the Brazos River, all in the Brazos River Basin, to convey groundwater-based effluent from two wastewater treatment plants. The water would be re-diverted downstream from the Brazos River at a point in Brazoria County. The Texas Commission on Environmental Quality (Commission) regulates bed and banks authorizations to convey groundwater-based effluent under the authority of Texas Water Code §11.042(b). That provision allows the Commission to place special conditions in the authorization to "help maintain instream uses and freshwater inflows to bays and estuaries."

### ENVIRONMENTAL ANALYSIS

The applicant seeks authorization to use the bed and banks of several watercourses in the Brazos River Basin to transport current and future groundwater-based effluent or return flows discharged from two points and to subsequently divert and reuse up to 12,881 acre-feet of those return flows, minus carriage losses, for municipal, industrial, and agricultural purposes in whole or part of Brazos, Grimes, Washington, Waller, Austin, Fort Bend, and Brazoria Counties. The water will be diverted at a maximum diversion rate of 17.29 cfs (7,758 gpm) from the Brazos River, Brazos River Basin at a point in Brazoria County near the mouth of the river. TPDES Permit No. 10024006 (Carters Creek WWTP) currently authorizes the discharge of 10,641 acre-feet of water per year (9.5 mgd) and TPDES Permit No. 10024003 (Lick Creek WWTP) currently authorizes the discharge of 2,240 acre-feet of water per year (2.0 mgd) for a total annual authorized discharge equaling 12,881 acre-feet.

## INSTREAM USES

The applicant is proposing to leave groundwater-based effluent in watercourses from two points of discharge nearly 300 hundred miles upstream of a proposed diversion point on the Brazos River in Brazoria County that lies approximately five river miles from the mouth of the river at the Gulf Coast. As such, the riverine environment in the future would experience no change compared to past or current practices of discharging groundwater-based effluent from the city's two wastewater treatment plants. However, this riverine environment has, in all likelihood, adjusted to the increased flow stemming from historical discharges of wastewater dating as far back as 1956. Should the applicant propose in the future to divert those return flows from a point closer to the current discharge points, instream flow restrictions may be necessary to protect aquatic resources downstream of that diversion point. The proposed maximum diversion rate is high enough to cause impingement and entrapment of aquatic life. Therefore, Resource Protection staff recommends the inclusion of a special condition in the draft permit in accordance with U.S. Army Corps of Engineers guidelines to minimize such harm.

Diversions could affect the receiving waters at the Gulf of Mexico. However, the Brazos River discharges directly into the Gulf of Mexico rather than a receiving bay and estuary system, reducing the likelihood of adverse effects. The study of the Brazos River Estuary to determine freshwater inflow needs being executed by the Texas Water Development Board is still in progress.

Resource Protection staff support issuance of the permit if the following special conditions are adopted in the permit if granted:

- 1. Permittee shall install a screen with a mesh size of 0.25 inches or smaller on the diversion structure with a maximum through screen velocity of 0.5 feet per second in order to minimize entrainment and impingement of aquatic organisms. A mesh size of 0.25 inches is the maximum allowable mesh size for the protective screen on an intake structure according to general permit guidelines established by the U.S. Army Corps of Engineers, Regulatory Branch, Fort Worth District.**
- 2. A change in the location of the diversion point shall require an amendment to the permit and could trigger additional special conditions.**

This instream use assessment was conducted using current TCEQ operation procedures and policies and available data and information. The recommendations in this environmental analysis are intended for the protection of instream uses and do not necessarily provide protection to downstream water rights; that analysis is addressed in the hydrology memo and further restrictions may be applicable as necessary. Authorizations granted to the permittee by the water rights permit shall comply with all rules of the Texas Commission on Environmental Quality, and other applicable State and Federal authorizations.